

GENERAL STATUTES

OF

MINNESOTA

1913

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5750. Acknowledgments after expiration of commission—Curative—That all acknowledgments to any conveyances or other instruments heretofore taken by any person previously appointed or elected and then acting after the expiration of his term as a notary public or other officer authorized to take such acknowledgments, be, and the same are hereby, legalized and made of the same validity as though the term of office of such officer had not expired at the time of taking such acknowledgments, and the record of such conveyances or other instruments is hereby declared to be legal and valid, and effectual for all purposes; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state. ('05 c. 50 § 1)

5751. Acknowledgments before notary of detached county, etc.—Curative—That all acknowledgments, to any conveyances or other instruments heretofore taken, pending proceedings to determine the legality of any new county detached from another county, by a notary public residing in such new county, but using the seal of and laying the venue in such other county, be and the same are hereby legalized and made of the same validity as though taken in such other county before a notary public residing therein; and the record of such conveyances or other instruments are hereby declared to be legal and valid and effectual for all purposes; provided, that the provisions of this act shall not apply to any action or proceeding now pending in any court of this state. ('05 c. 275 § 1)

5752. Acknowledgments before officer of corporations, etc.—Curative—That all acknowledgments heretofore taken by a notary public who was also an officer, director or stockholder of a corporation organized under the laws of this state, which corporation was interested as a party to the instruments acknowledged, are hereby legalized and made as effectual as if the notary public had not been an officer, director or stockholder of the corporation interested. ('07 c. 89 § 1)

5753. Pending actions—The provisions of this act shall not apply in any case where an action is now pending. ('07 c. 89 § 2)

5754. Acknowledgment before member of legislature—Curative—That all acknowledgments taken by any member of the legislature of this state as a notary public who at the time of taking such acknowledgment was a member of said state legislature, is hereby legalized and made valid and effectual in all particulars, together with the records thereof where the instrument bearing such acknowledgment has been recorded as provided by law, provided that this act shall not extend to any action or proceeding now pending. ('13 c. 473 § 1)

CHAPTER 49

FEES

5755. Allowance of fees—For the services specified in this chapter, the fees hereinafter named shall be allowed. (2693)

5756. Fees of clerk of district court—1. For issuing every writ, summons, subpoena, or process, fifty cents.

2. Certified copy of writ, ten cents per folio, and twenty-five cents for certificate.

3. Entering the return of every writ and filing the same, ten cents per folio.

4. Entering an appearance, discontinuance, nonsuit, or default, twenty cents.

5. Entering every rule, order, or motion, in term, ten cents per folio.

6. Certified copies of rules or orders, ten cents per folio, and twenty-five cents for the certificate.

7. Every report upon an assessment of damages or other matter referred to him, seventy-five cents; and ten cents additional for each folio in excess of five folios.

8. Every certificate, twenty-five cents.
9. Calling and swearing grand jury or petit jury in civil cases, fifty cents.
10. Swearing jurors in criminal cases, ten cents for each oath administered.
11. Swearing each witness on trial, ten cents.
12. Swearing officers to take charge of jury, ten cents.
13. Entering or taking recognizance, fifty cents.
14. Entering a cause in the court calendar and making copy thereof for the bar, twenty cents.
15. Receiving and entering a verdict, twenty-five cents.
16. Entering an action without process, fifty cents.
17. Certified copy of the minutes of a trial, ten cents per folio.
18. Entering a final judgment of not more than three folios, fifty cents, and ten cents for each additional folio.
19. Copy of judgment to be attached to judgment roll, ten cents per folio.
20. Entering satisfaction of judgment, twenty cents for each judgment debtor.
21. Drawing a special jury, seventy-five cents.
22. Filing each paper, five cents.
23. Copies and exemplifications of records and pleadings, ten cents per folio.
24. Searching judgment docket books of his office, and certifying to the existence or non-existence of judgments docketed therein, fifty cents for each judgment debtor.
25. Searching the records or files in his office, if a copy is not required, twenty cents for the records or files of each year.
26. Administering oaths not otherwise herein provided for, twenty-five cents.
27. Recording credentials of ordination of ministers and giving a certificate, seventy-five cents.
28. Recording certificate of solemnization of marriage, fifty cents.
29. Filing and docketing transcript of judgment from another county or from a justice of the peace or municipal court when but one judgment debtor, twenty-five cents, and ten cents for each additional judgment debtor.
30. Entering an appeal or transcript from justice court, fifty cents.
31. Entering a surrender of bail, twenty-five cents.
32. Issuing commission to take deposition, one dollar.
33. Issuing venire facias, one dollar.
34. Certificate of attendance of jurors and witnesses at court, fifteen cents.
35. Entering forfeiture of recognizance, twenty-five cents.
36. Entering discharge of bail, twenty-five cents.
37. Entering declaration to become a citizen of the United States, including certified copy thereof, one dollar.
38. All services for issuing a certificate of citizenship, one dollar.
39. Certified copy thereof under the seal of the court, fifty cents.
40. Making docket of judgment, twenty-five cents for each judgment debtor.
41. Admission of attorneys, one dollar.
42. Taxing costs, fifty cents.
43. Certified copy of marriage record, fifty cents.
44. Certified copy of docket entry, fifty cents.
45. Attendance on court for each day of its actual session, three dollars.
46. In actions for the foreclosure of real-estate mortgages where no trial is had, not more than four dollars for all services required.
47. In actions for partition of land or proceedings in assignments for the benefit of creditors, and proceedings under the right of eminent domain, the court, or a judge thereof, may by order from time to time fix the amount which may be charged and collected, which may be in excess of the amounts hereinbefore provided.
48. For all other services required by law for which no fee is herein provided, such fees as compare favorably with those herein prescribed, or such as may be fixed by rule or order of the court.

49. In all counties where the fees of the clerk of the district court do not amount to one thousand dollars, such clerk shall at the end of each year, file with the county auditor a verified statement of all fees received by him, and the county board shall thereupon direct the county auditor to draw his warrant upon the county revenue fund in favor of said clerk for an amount equal to the difference between the fees so received by said clerk during the preceding year and one thousand dollars.

On the holding of any term of the district court the presiding judge may by order fix the number of deputies to be in attendance during such term, and may at any time revoke or modify the same. Deputies so appointed shall receive the same per diem compensation as the clerk. This section shall not relate to or affect the fees of any clerk of the district court of any county having a population of over seventy-five thousand nor to any county where such fees are now fixed by special law.

50. For making return of record to supreme court on appeal from district court to supreme court, \$5.00. (R. L. § 2694, amended '13 c. 414 § 1)

Subd. 24 (93-11, 100+382). Subd. 25 (33-410, 23+860; 93-11, 100+382). Subd. 34 (34-214, 25+351). Subd. 48 (41-283, 43+3).

5757. Fees of clerk in counties having not less than 150,000 and not over 200,000 inhabitants—That in any county in this state having a population of not less than 150,000 people, and not more than 200,000 people, the fees to be charged and collected by the clerk of the district court therein shall be as follows, and no other or greater fees shall be charged, viz:

In every civil action, appeal, or proceeding hereafter entered in the office of such clerk, in which no answer or demurrer is filed or issue joined, the sum of two dollars (\$2.00) except as hereinafter provided. In each such action, appeal or proceeding in which an answer or demurrer is filed or issue joined, four dollars (\$4.00); provided that no such action, appeal or proceeding shall be entered in such clerk's office until the person desiring such entry shall pay to said clerk the sum of two dollars (\$2.00), and when demurrer or answer is filed or issue joined, at the time of or after the entry of such action in said clerk's office, such clerk shall require an additional payment of two dollars (\$2.00) before any further papers shall be filed or entries made pertaining to said action, and said payments, when made, and except as herein provided, shall be in lieu of all fees and charges now prescribed by law for all services required by law to be performed by such clerks respectively to and including the entry and docketing of final judgment in any action, provided that the fees and charges for certifying transcripts of the minutes of any trial or of any papers on file, whether to the supreme court or otherwise, shall be in addition to those hereinbefore provided and shall be at the rate of five (5) cents for each folio, and twenty-five (25) cents for the certificates excepting that in cases where such copies are furnished for certification by the person requiring the same, such clerk shall charge and receive two and one-half (2½) cents per folio for comparing and certifying the same and twenty-five (25) cents for the certificate; provided, further, that in actions for partition of land or proceedings under chapter ninety (90) Revised Laws of 1905, as the same is or may be amended, and in proceedings under the right of eminent domain to acquire property for public use by corporations, the court or a judge thereof, shall by order from time to time made, fix the amount of fees to be charged and collected, which may be in excess of the amounts hereinbefore provided.

For filing and docketing transcript of judgment from another county, or from justice or municipal courts, when but one judgment debtor, fifty (50) cents, and ten cents for each additional judgment debtor.

For searching the judgment docket books of his office and certifying to the existence or non-existence of judgments docketed therein, twenty-five (25) cents for the first judgment debtor so certified to in such certificate, and ten (10) cents for each subsequent debtor therein.

For all services not hereinbefore provided for, the fees and charges shall be the same as now provided by law. ('11 c. 247 § 1)

The provisions of R. L. 1905 c. 90 are included in chapter 90 hereof.

5758. Clerks' fees to be retained in certain counties—In all counties containing a population of 26,000 inhabitants and over, where the salary of the clerk of the district court is arbitrarily fixed at eight hundred dollars or less, by special law, and where such clerk is required by special law to pay over to the county all fees collected as such clerk, such clerk shall hereafter receive and retain all fees collected and received by them as such clerks of court, in lieu of said eight hundred dollars annual salary. ('07 c. 268 § 1)

5759. Fees paid over by clerks in certain counties to be refunded—That in any county in this state in which the clerk of the district court is or was receiving a salary for his services and in which there has been paid by such clerk into the county treasury of said county by mistake a portion of the fees paid to said clerk between November 13, 1906, and March 22, 1909, inclusive for services rendered in naturalization matters, under the act of congress approved June 29, 1906, and found in section 13 of chapter 3592 of 34 United States Statutes at Large, page 600, the claim of said clerk for the refundment to him of such moneys so paid into said treasury shall be allowed by the county commissioners of said county upon a duly itemized and verified bill therefor, and any warrant heretofore drawn or that may hereafter be drawn by the county auditor of such county on the allowance of any such claim by the county commissioners heretofore or hereafter made, shall upon a presentation to the county treasurer of said county be paid by such county treasurer to such clerk of court from the general revenue funds of said county as other warrants are paid. ('11 c. 97 § 1)

5760. Fees, when paid—Other fees—No civil action, appeal, or proceeding shall be entered with the clerk of the district court until the person desiring such entry shall deposit with such clerk the sum of three dollars on account of fees in the case and out of which the clerk shall satisfy the fees in such case as they accrue, and whenever said sum or any further deposit is exhausted said clerk may require as a condition for further entries or fees an additional deposit of one dollar. Any balance remaining with the clerk after determination of the case shall be returned to the depositor, his agent or attorney. Fees and charges for transcript of the minutes of any trial, or of any papers on file, to the supreme court shall be at the rate of ten cents per folio and twenty-five cents for the certificate, except where copies are furnished for certification by the person requiring the same, in which case the clerk shall receive two and one-half cents per folio for comparing and certifying and twenty-five cents for the certificate. (2695)

5761. Fees of clerk of supreme court—1. For drawing a writ of error or other process issued under the seal of the court, one dollar.

2. Affixing the seal to any process of the court, twenty-five cents.
3. Filing each paper, ten cents.
4. Reading and filing any petition relating to any proceeding in court, ten cents.
5. Entering appearance or default of appellant or respondent, fifteen cents.
6. Entering every rule or order, fifteen cents for each folio.
7. Certified copy of such rule or order and all papers, pleadings, and proceedings filed with him, ten cents per folio.
8. Entering a decree or sentence, ten cents per folio.
9. Entering a judgment or order, fifteen cents for each judgment debtor; ten cents for each folio in excess of two.
10. Engrossing a remittitur to be sent to district court, ten cents per folio.
11. Every certificate, twenty-five cents.
12. Taxing costs, fifty cents.
13. Entering satisfaction of record, fifteen cents.
14. Taking security, fifty cents.
15. Entering each cause in the calendar and making copy for the bar, ten cents.
16. Searching records and files in his office, twenty cents for each year.
17. Services for issuing certificate of declaration of intention to become a citizen of the United States, including certified copy thereof, one dollar.

18. All services in issuing certificate of citizenship of the United States, including certified copy thereof, one dollar.

19. Admission of attorneys, two dollars.

20. Services required by law or rules of court not herein provided for, such fees as the court shall fix. (2696)

5762. Fees of sheriffs—1. Serving a summons, warrant, writ, or any process issued by a court of record, one dollar for each defendant served and mileage.

2. Serving subpoena, fifty cents for each witness summoned and mileage.

3. Taking and approving a bond, fifty cents, and for a certified copy thereof ten cents per folio.

4. Copy of any paper served by him, when copy is made by him, ten cents per folio.

5. Collection on execution after levy, four per cent. on the first two hundred and fifty dollars and two per cent. on the excess thereof.

6. Advertising sale, one dollar and reasonable printer's fee paid by the sheriff for such advertisement.

7. Posting three notices of sale, one dollar and fifty cents.

8. Certificate of sale of real estate, two dollars; copy thereof when requested, one dollar.

9. Serving a writ of restitution, removing occupants, and putting the person entitled thereto into possession, three dollars.

10. Summoning a jury upon a writ of inquiry, attending such jury, and returning the inquisition, one dollar and fifty cents.

11. Summoning a jury in obedience to the precept of an officer in special proceedings, two dollars and mileage for necessary travel in summoning the panel; attending such jury when requested, one dollar; attending court, three dollars per day.

12. Summoning a grand or petit jury, fifty cents for each juror and mileage at fifteen cents a mile for travel necessary in summoning the panel.

13. Producing a person upon a writ of habeas corpus or a warrant of arrest, surrendering him in exoneration of bail or receiving him into custody for such exoneration, or bringing any prisoner before any court or officer for examination or committing him to jail, one dollar and mileage; attendance before such court or officer during such examination, one dollar.

14. Serving attachment on a boat or vessel in proceedings to enforce a lien created by law, three dollars and such additional compensation for services and expenses in taking possession of and preserving the same as the officer issuing the process may allow; selling such boat or vessel or the equipment thereof and advertising the sale, the same fees as allowed on execution.

15. Making an appraisal in any case, two dollars for each day and one dollar for each half day for every appraiser necessarily employed.

16. Making an inventory of property levied upon, replevined, or attached, twenty-five cents for each folio, and for copies ten cents per folio.

17. Selling land on foreclosure of mortgage, for all services required, three dollars; postponing such sale, one dollar.

18. Making diligent search and inquiry and returning summons when defendants cannot be found, one dollar.

19. Returning execution unsatisfied, one dollar.

20. Receiving and paying over money paid on redemption of property and executing certificate, one per cent. on the amount so received, to be collected from the person redeeming, such fee not to exceed seven dollars in any case.

21. Securing and safely keeping property in replevin or attachment or on execution, such sum as the court may allow.

22. Serving order or citation of probate court, or apprehending alleged insane person by order thereof, one dollar and mileage; conveying insane person to hospital, three dollars per day and his expenses, including food and necessary assistance and the amount of the expenses and transportation charges for any insane person, whom he may have in custody, necessarily incurred in the performance of any duty relative to such person; all such bills to be audited by the probate judge and paid out of the general fund of the county.

23. For services in attempting the collection of personal tax warrants, such reasonable compensation as the county board shall allow. From such allowance the county attorney, or any five taxpayers of the county, may appeal to the district court, which may summarily determine the amount equitably due.

24. For services not herein enumerated, the sheriff shall be entitled to the same fees as for similar duties.

25. When mileage is allowed the sheriff it shall be computed from the place where court is usually held, and, except as otherwise specially fixed, shall be at the rate of ten cents per mile. When two or more witnesses subpoenaed in the same action live in the same general direction, mileage shall be charged only for the subpoenaing of the most remote.

26. He shall be allowed reasonable and necessary expenses actually paid out for food furnished any prisoner while conducting him to jail and for his transportation by a common carrier.

27. The fees allowed for the service of an execution, for advertising thereon, and for filing certificate with the register of deeds shall be collected by virtue thereof and in the same manner as the sum therein directed to be levied; but when there are several executions in the sheriff's hands against the same defendant at the time of advertising there shall be only one advertising fee charged, and the sheriff shall elect on which execution he will receive the fee.

This section shall not relate to or affect the fees of the sheriff of any county having a population of over two hundred and twenty-five thousand nor to any county where such fees are now fixed by special law. (R. L. § 2697, amended '13 c. 197 § 1)

Subd. 1 (37-491, 35+364; 68-509, 71+687). Subd. 5 (26-353, 4+603; 57-216, 53+864). Subd. 11 (35-365, 29+1; 76-368, 79+166). Subd. 17 (26-353, 4+603). Subd. 18 (23-458; 76-368, 79+166; 94-72, 101+943). Subd. 19 (94-72, 101+943). Subd. 23 (71-18, 73+520; 76-368, 79+166; 94-72, 101+943). Subd. 24 (23-458, 461; 26-353, 4+603; 37-491, 35+364). Subd. 25 (68-509, 71+687).

5763. Compensation of sheriffs, etc., in certain counties—In counties having a population of not less than seventy-five thousand nor more than one hundred and fifty thousand, sheriffs and other officers shall receive ten cents a mile for necessary travel in serving or executing any process or paper, when the entire distance traveled in going and returning shall not exceed sixty miles. When such distance exceeds sixty miles, such officers shall not be entitled to mileage, but in lieu thereof shall receive not to exceed three dollars per day and necessary traveling expenses actually paid in money. In such counties no mileage fee or per diem shall be paid to any officer for the service of any warrant or other process or paper in a criminal case when he is paid a salary by any municipality for performing such service, but he may be reimbursed for money actually paid out by him for necessary traveling expenses in the performance thereof. (2698)

5764. Fees of coroners—1. For viewing or examining each dead body, five dollars and mileage at ten cents per mile for necessary travel, and for each additional day required, five dollars.

2. For holding an inquest, five dollars, for each day's necessary attendance after the day on which the body was viewed, and mileage as above, and 15 cents per folio for writing the record including testimony of witnesses.

3. In performing the sheriff's duties a coroner shall receive the fees allowed to the sheriff for like services.

4. Physicians called by the coroner to make autopsies shall be allowed six dollars per day and mileage as above, and, when the county board shall be satisfied that the autopsy was attended by great and unusual difficulties, they may allow such further sum to the physicians as may be just compensation for the services. This act shall apply to all counties now having or hereafter having a population of less than 275,000, but shall not apply to any county where such fees are now fixed by special laws. (R. L. § 2699, amended '09 c. 271 § 1; '13 c. 216 § 1)

5765. Fees of constables—1. For serving a warrant or other writ, not herein provided for, twenty-five cents for each person named therein and served.

2. For a copy of every summons delivered on request, or left at the residence of defendant, fifteen cents.
3. Serving a subpoena or summons, fifteen cents for each person named therein and served.
4. Serving an attachment, fifty cents.
5. Each copy of an attachment, fifteen cents.
6. Each copy of inventory of property seized on attachment, fifteen cents.
7. Serving summons on garnishee, fifty cents.
8. Copy of any affidavit or other paper not herein provided for, ten cents per folio.
9. Posting each notice, fifteen cents.
10. Attending on justice's court, when required by the justice, one dollar per day.
11. For travel to and from the place of service, when necessary in serving any process or paper authorized to be served by them, ten cents per mile.
12. Committing to prison, fifty cents.
13. Summoning a jury, one dollar.
14. Writing a list of jurors, fifteen cents.
15. Attending on a jury, fifty cents.
16. On all sums collected on execution and paid over, charged upon the judgment debtor, five per cent.
17. Serving a writ of replevin, fifty cents.
18. Summoning and swearing appraisers and taking appraisement, fifty cents.
19. Taking and approving security in any case, twenty-five cents.
20. A constable shall be allowed all reasonable and necessary expenses actually paid out for food and lodging furnished by him for any prisoner, at not to exceed one dollar per day while having such prisoner in custody pending trial and while conducting such prisoner to jail, together with the transportation charges for said prisoner paid to a common carrier. Provided, that where adjournment is for longer than three days, the prisoner shall be committed to the county jail. (R. L. § 2700, amended '07 c. 190)

37-491, 35+364.

5766. Police officers—Fees in state cases—No police officer of any city shall receive any fee in a suit or prosecution brought in the name of the state, but any county may reimburse him for expenses actually incurred therein. (2701)

5767. Fees of justices of the peace—Justices of the peace shall be entitled to the following fees, and may tax them in cases when applicable:

1. For a summons, warrant, or subpoena, twenty-five cents.
2. For a venire for a jury, twenty-five cents.
3. For a warrant in a criminal case, twenty-five cents.
4. Taking a recognizance of bail, twenty-five cents.
5. For a writ of attachment, twenty-five cents.
6. Entering a judgment, twenty-five cents.
7. For taking and approving any bond, security, or recognizance when required by law so to do, twenty-five cents.
8. Swearing a jury, twenty-five cents.
9. Entering a satisfaction of judgment, twenty-five cents.
10. Entering amicable suit without process, twenty-five cents.
11. For a transcript of judgment, twenty-five cents.
12. Opening a judgment for rehearing, twenty-five cents.
13. Issuing notice to take deposition, twenty-five cents.
14. For a search warrant, twenty-five cents.
15. For a commitment to jail, twenty-five cents.
16. For an order to bring up prisoner, twenty-five cents.
17. For an order issued to jailer to discharge prisoner, twenty-five cents.
18. For an execution, twenty-five cents.
19. For any other writ not herein specially named, twenty-five cents.
20. For taking and certifying an acknowledgment of a deed, for each grantor named, twenty-five cents.

21. Administering an oath, or certifying to the same when administered out of court, fifteen cents.
22. Every adjournment, fifteen cents.
23. Entering any order, motion, objection, or exception, fifteen cents.
24. Discharging a prisoner after hearing on motion to discharge, fifteen cents.
25. Taxing costs, fifteen cents.
26. Taking an examination, deposition, or confession, fifteen cents per folio.
27. For entering proceedings in his docket, fifteen cents per folio.
28. For copies of proceedings, or of any paper or examination in any case, when demanded, fifteen cents per folio.
29. For every affidavit or other paper drawn for which no other compensation is allowed by law, fifteen cents per folio.
30. Issuing commission to take testimony, fifty cents.
31. Taking recognizance, certifying oath or affidavit, and making return to an appeal, including travel, two dollars.
32. Performing marriage ceremony and making return thereof, one dollar and fifty cents.
33. Holding an inquisition in cases of forcible entry and detainer, in addition to other fees; one dollar.
34. For filing every paper required to be filed, five cents.
35. For necessary travel in the performance of his duty, when not otherwise provided for, ten cents per mile. (2702)

99-493, 110+2, 9 Ann. Cas. 372.

5768. Fees in justice courts—Costs and disbursements—1. In all civil actions, unless otherwise provided, the winning party shall recover costs.

2. On entering a judgment for costs, the justice may tax the same without notice.

3. The justice shall not allow travel fees to witnesses unless proved by the oath of some person qualified to testify in the action.

4. No travel fees for serving a subpoena shall be allowed unless charged by a constable or sheriff, or proved by the oath of the person serving it.

5. No costs shall be taxed for the attendance of more than two witnesses to each particular fact.

6. No fees for copies of exemplifications of documents or papers, or for depositions, shall be allowed unless the same were used upon the trial.

7. No disbursements shall be allowed except to officers unless the items are particularly specified and proved, and the justice shall determine that the same are necessary and reasonable in amount.

8. The justice shall hear evidence to prove that any charge is unreasonable in amount, or that the service has not been rendered. (2703)

Subd. 1 (10-220, 175; 12-216, 137). Subd. 3 (16-329, 291).

5769. Fees of commissioners to take testimony—A person commissioned to take testimony shall receive the same fees as are allowed to justices of the peace for like services. (2704)

5770. Fees of notaries public—1. For protest of non-payment of note or bill of exchange, or of non-acceptance of such bill, where protest is legally necessary, and copy thereof, one dollar.

2. For every other protest and copy, twenty-five cents.

3. For making and serving every notice of non-payment of note or non-acceptance of bill and copy thereof, twenty-five cents.

4. For any affidavit or paper for which provision is not made herein, twenty cents per folio, and six cents per folio for copies.

5. For each oath administered, twenty-five cents.

6. For acknowledgments of deeds and for other services authorized by law, the legal fees allowed other officers for like services.

7. For recording each instrument required by law to be recorded by him, ten cents per folio. (2705)

5771. Fees of register of deeds—Certain counties—1. For the indexing and recording any deed or other instrument, 10 cents per folio, to be paid when left for record.

2. Every certificate, 10 cents.
3. Copies of any records or papers, 10 cents per folio.
4. Recording any deed or other papers in other than the English language, 25 cents per folio.
5. Entering discharge of mortgage in the margin of the record, 10 cents.
6. Filing every other paper, and entering same when necessary, 10 cents.
7. Searching for such paper on request, 5 cents for every paper examined.
8. Searching the record, 10 cents.
9. An abstract of title, 25 cents for every transfer, and 25 cents for certificate.

Provided, That in all counties where the compensation of the register of deeds is not fixed by special laws, having a population of over nineteen thousand (19,000) and not exceeding seventy-five thousand (75,000) where the report of the register of deeds made pursuant to section 603, Revised Laws of 1905 [1075], shows that he received as fees in the preceding calendar year, less than two thousand (\$2,000) dollars, the county board of any such county shall thereupon pay to such register of deeds from the county revenue fund of the county enough money to make the compensation of such register of deeds two thousand (\$2,000) for such preceding calendar year; and in all counties having a population of over 10,000 and not exceeding 19,000, where such report of the register of deeds shows that he received as fees in the preceding calendar year less than \$1,500, the county board of any such county shall thereupon pay to such register of deeds from the county fund of the county enough money to make the compensation of such register of deeds \$1,500 for such preceding calendar year; and in all counties having a population of 10,000 or less, where such report of the register of deeds shows he received as fees the preceding calendar year less than \$1,200 the county board of any such county shall thereupon pay to such register of deeds from the county fund of the county enough money to make the compensation of such register of deeds \$1,200 for such preceding calendar year.

This section shall not apply to counties having a population of more than seventy-five thousand (75,000) nor to any county where such fees are now fixed by special law. (R. L. § 2706, amended '07 c. 256; '11 c. 376 § 1)

For fees for entering and recording instruments in certain counties, see § 916. 23-171; 69-508, 514, 72+799, 975.

5772. Fees of referees—In general—Agreement—The fees of referees shall be five dollars each for every day spent in the business of the reference; but the parties may agree, in writing, upon any other rate of compensation, and such rate shall be allowed. (2707) •

83-21, 85+824; 84-130, 132, 86+890.

5773. Fees of appraisers, commissioners, etc.—Per diem—Mileage—Appraisers of estates of decedents and of property taken on writ of attachment or replevin, persons appointed under the legal process or order for making partition of real estate, sheriff's aids in criminal cases, and all other private persons performing like services required by law or in the execution of legal process, where no express provision is made for compensation, shall be entitled to three dollars per day and five cents a mile for going and returning. (R. L. § 2708, amended '09 c. 17 § 1)

5774. Fees of witnesses—1. For attending in any action or proceeding in any court of record, in any justice's court, or before any officer, person, or board authorized to take the examination of witnesses, one dollar for each day.

2. For travel in going to and returning from the place of attendance, to be estimated from his residence if within the state, or from the boundary line of the state where he crossed the same, if without the state, six cents per mile.

But no person is obliged to attend as a witness in any civil case unless one day's attendance and travel fees are paid or tendered him in advance; and no officer or employee of any county, village, or city shall receive any witness fees in any case in which the state or any county or city therein, of which he is an officer or employee is a party, if the case be tried in the village or city of which he is a resident. (2709)

16-329, 291; 25-275; 35-297, 28+921. See § 7976 note 2 and § 7981 note 3. See following section.

5775. Witness fees of officers of municipalities—No officer or employé of any city, village or county in this state shall hereafter receive or be paid any sum as witness fees in any case in which the state of Minnesota, the county, the city or the village, of which he is an officer or employé is a party, if the case be tried in the city or village of which he is a resident. ('95 c. 241, amended '05 c. 141 § 1)

Historical—1895 c. 241 was repealed by § 9451; its provisions being incorporated in the preceding section. So far as the above section differs from that section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

5776. Fees in criminal cases—Witnesses for the state in criminal cases shall receive the same fees for travel and attendance as provided in § 5774, and judges of the district court may, in their discretion, allow like fees to witnesses attending in behalf of any defendant. In courts of record said witness fees shall be certified and paid in the same manner as jurors, and in justice courts such fees shall be a county charge, and paid in the same manner as other county charges. (2710)

21-458; 34-214, 25+351; 45-281, 47+810.

5777. Expert witnesses—The judge of any court of record, before whom any witness is summoned or sworn and examined as an expert in any profession or calling, may, in his discretion, allow such fees or compensation as in his judgment may be just and reasonable. (2711)

30-410, 15+682; 36-535, 32+678; 72-19, 22, 74+899; 86-59, 90+10.

30-410, 15+682, distinguished (103-184, 114+744).

5778. Fees of jurors—Each grand and petit juror shall receive three dollars per day, including Sundays for attendance in district court, and ten cents for each mile traveled in going to and returning from court, in counties having a population of less than 200,000 and two dollars per day in counties having more than 200,000 population, the distance, to be computed by the usually traveled route, and paid out of the county treasury. The clerk of the district court shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled to compensation. Talesmen actually serving upon any petit jury shall receive the sum of \$2.00 per day. (R. L. § 2712, amended '09 c. 129 § 1)

34-214, 25+351; 51-79, 82, 52+991, 38 Am. St. Rep. 492; 62-283, 64+813.

5779. Coroner and justice jurors—Each juror sworn before a coroner at an inquest taken by him shall receive one dollar for each day's attendance and ten cents for each mile traveled in going to and returning from the place of holding the same, the distance to be computed by the usually traveled route, and paid out of the county treasury. The coroner shall deliver to each juror a certificate for the number of days' attendance and miles traveled for which he is entitled to compensation. Each juror sworn in any action pending in a justice court, or before any sheriff on a writ of inquiry, shall receive one dollar, to be paid in the first instance in all civil actions by the party calling for such jurors. The certificate of the coroner for services rendered as a juror before him shall be filed with the county auditor, who shall draw his warrant upon the county treasurer for the amount, and such certificate shall be sufficient voucher for the issuance of such warrant. (2713)

53-232, 54+1118.

5780. Printers' fees—Rate per folio—Term defined—For publishing any notice, order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, no printer shall receive more than seventy-five cents per folio for the first insertion, and thirty-five cents per folio for each subsequent insertion. And for the purpose of computing the same, a folio is declared to be equal to the space occupied by two hundred and fifty ems of solid matter of the kind of type used. (2714)

58-84, 88, 59+831; 60-212, 214, 62+272.

5781. Fees of court commissioners—1. For examining any petition, complaint, affidavit, or any paper wherein an order is required, one dollar.

2. For making and entering an order on the same, fifty cents.

3. For examining an alleged insane person for commitment, five dollars.

4. For hearing and deciding on the return of a writ of habeas corpus, three dollars for each day necessarily occupied.

5. For examination of judgment debtors in proceedings supplementary to execution and for all disclosures in garnishment proceedings in writing, fifteen cents per folio.

6. For all other services rendered by him, the same fees as are allowed by law to other officers for similar services. (2715)

5782. Officers to post list—Every officer whose fees are fixed by this chapter shall post in some conspicuous place in his office a printed list thereof for the inspection of the public. Failure so to do shall render him liable to a forfeiture of two dollars for each day of such failure, to be recovered in a civil action in the name of any citizen, before a justice of the peace. (2716)

5783. Fees for services not rendered—Illegal fees—No judge, justice, sheriff, or other officer, or any other person to whom any fee or compensation is allowed by law for any service, shall take or receive any other or greater fee or reward for such service than he is allowed by law, and no fee or compensation shall be demanded or received by any officer or person for any service unless the same was actually rendered, except in the case of prospective costs, as hereinafter specified. Any person violating either of the foregoing provisions shall be liable to the party aggrieved for treble the damages sustained by him. (2717)
14-487, 364.

5784. Taxation for services not rendered—Prospective costs—Attorney as witness—No fees shall be taxed for services not rendered, except when otherwise expressly provided, and upon entry of judgment or decree no prospective costs shall be taxed except for docketing the same, unless the party demanding judgment shall require the costs of an execution or transcript of judgment to be taxed, in which case it may be done. No attorney or counsel in any cause shall be allowed witness fees therein. (2718)
14-286, 214.

5785. Fees for copies—Itemized list—Fees uniform—The legal fees paid for certified copies of the depositions of witnesses filed in any clerk's office, or any documents or papers filed or recorded in any public office, necessarily used on trial of a cause or on the assessment of damages, shall be allowed in the taxation of costs. Any officer receiving fees shall, on demand, furnish an itemized list and receipt the same on payment. On refusal to do so, he shall be liable to the party paying the same for three times the amount paid. Every officer shall be entitled to the same fees for performing the same service. (2719)
37-491, 35+364.

5786. Fees, etc., of witness in criminal cases—When and how paid—Whenever it shall appear that any witness subpoenaed or required to appear on behalf of the state has come from another state or country or is poor, the court may, by order upon the minutes, direct the county treasurer to pay such witness a reasonable sum for expenses. Whenever a prosecution in the name of the state fails, or the defendant proves insolvent, escapes, or is unable to pay the fees when convicted, the same shall be paid out of the county treasury, unless otherwise ordered by the court. The attorney general or county attorney in each county may issue subpoenas and compel the attendance of witnesses in behalf of the state or county without payment of fees in advance, and in criminal cases the witnesses for the defendant shall also be compelled to attend without payment of fees in advance, and failure to attend after being served with a subpoena shall subject any witness to be proceeded against in the same manner as provided by law in other cases where payment of fees is required to be paid in advance. The clerk of any court in which a witness has attended in behalf of the state in a civil action shall give such witness a certificate of attendance and travel, which shall entitle him to receive the amount from the county treasurer. (2720)

21-458; 45-281, 47+810; 50-232, 234, 52+650; 90-348, 351, 97+101.

5787. Turning fees into county treasury—Unless otherwise provided by law, every county official in the state of Minnesota receiving a stated salary shall receive the same in full compensation for all services and expenses whatsoever,

and shall, on the first Monday of each month, file with the county auditor a correct statement of all fees received by him, and turn the same into the county treasury. (2721)

Refers only to fees and not to bail money (116-101, 133+469).

CHAPTER 50

WEIGHTS AND MEASURES

5788. State treasurer to keep standards—The state treasurer shall keep weights, measures, and scales which shall conform to the standards established by law, and shall test thereby all weights, measures, and scales presented to him by any county sealer, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." (2722) ¹

5789. County sealers—Deputies—Fees—Every county treasurer shall be the sealer of weights and measures for his county. He shall keep a full set of weights, measures, and scales, and in January, 1910, and in every fifth January thereafter, and whenever new ones are procured, shall cause the same to be tested and sealed by the state treasurer; and he shall test thereby all weights, measures, and scales presented to him, and, when he finds them accurate, shall stamp upon them, with a seal kept for that purpose, the letters "Min." He shall receive five cents for every weight, measure, or scale tested. He may appoint deputy sealers, whose appointments shall be filed with the register of deeds. (2723) ¹

5790. Dry measures—The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two. (R. L. § 2724, amended '13 c. 560 § 1)

5791. Liquid measure—The standard measure of capacity for liquids, shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, except for fermented malt liquors, which shall be a barrel of 31 gallons, and 63 gallons a hogshead. (R. L. § 2725, amended '13 c. 560 § 2)

5792. Lineal measure—The standard measure of length, from which all other measures of extension, lineal, superficial, or solid, shall be derived, is the yard, of 3 feet, or 36 inches. (R. L. § 2725 [sic], amended '13 c. 560 § 2)

This section does not differ from R. L. § 2726.

5793. Hundredweight—In contracts for the sale of goods or commodities, the term "hundredweight" shall mean 100 pounds avoirdupois. (R. L. § 2727, amended '13 c. 560 § 3)

5794. Standard weight of bushel, etc.—In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Corn in ear, 70; beans, (except lima beans, scarlet runner pole beans and white runner pole beans, and broad windsor beans) smooth peas, wheat, clover seed, Irish potatoes and alfalfa, 60; broom corn seed and sorghum seed, 57; shelled corn, (except sweet corn), rye, lima beans, flaxseed and wrinkled peas, 56; sweet potatoes and turnips, 55; onions and rutabagas, 52; buckwheat, hempseed, rapeseed, beets, green apples, walnuts, rhubarb, hickory nuts, chestnuts, tomatoes, scarlet runner pole beans and white runner pole beans, 50; barley, millet, Hungarian grass seed, sweet corn, cucumbers and peaches, 48; broad windsor beans, 47; carrots, timothy seed and pears, 45; parsnips, 42; spelt or spilts, 40; cranberries, 36; oats and bottom onion-sets, 32; dried apples, dried peaches and top onion sets, 28; peanuts, 22; blue grass, orchard grass and red-top seed, 14; plastering hair, unwashed, 8; plastering hair, washed, 4; lime, 80; but if sold by the barrel the weight shall be 200 pounds. (R. L. § 2728, amended '13 c. 560 § 4)

5795. Standard measurement of wood—In all contracts for sale of wood, the term "cord" shall mean 128 cubic feet of wood, in four foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or

¹ It is suggested that this section was repealed by Laws 1911, c. 156, relating to the Department of Weights and Measures. See §§ 4611-4623, ante.